

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RACHEL MANISCALCO, EVELYN ARANCIO,
DIANA SALOMON, and CORINNE LYNCH,
individually, and for all others similarly situated,

Plaintiff,

20 Civ. 8464 (ER)

- against -

THE NEW YORK CITY DEPARTMENT OF
EDUCATION, MEISHA PORTER, Schools Chancellor
of the New York City Department of Education, in her
official capacity, THE CITY OF NEW YORK, BILL
DE BLASIO, Mayor of New York City, in his official
capacity, DEPARTMENT OF HEALTH AND
MENTAL HYGIENE, and DAVE CHOKSHI,
Commissioner of the Department of Health and Mental
Hygiene, in his official capacity,

**DECLARATION OF
LORA MINICUCCI
IN SUPPORT OF
DEFENDANTS'
OPPOSITION TO
PLAINTIFFS' MOTION
FOR A PRELIMINARY
INJUNCTION**

Defendants.

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LORA MINICUCCI, declares, pursuant to 28 U.S.C. § 1746 and subject to the penalties
of perjury, that the following is true and correct:

1. I am an Assistant Corporation Counsel in the Office of Georgia M. Pestana,
Corporation Counsel of the City of New York, attorney for defendants in the above-captioned
action. I am familiar with the facts set forth herein. I respectfully submit this declaration in
support of defendants' motion to dismiss the amended complaint. This declaration is based on
personal knowledge and a review of the files maintained by this office.

2. Attached hereto as Exhibit A is a copy of the the Order of the Commissioner of Health and Metal Hygiene to Require COVID-19 dated August 24, 2021.

3. Attached hereto as Exhibit B is a copy of the Order of the Commissioner of Health and Metal Hygiene to Require COVID-19 dated September 15, 2021.

4. Attached hereto as Exhibit C is a copy of the arbitration decision in *Board of Education of the City School District of the City of New York and the United Federation of Teachers, Local 2, AFT, AFL-CIO, Re: Impact Bargaining*, Decision Dated September 10, 2021.

5. Attached hereto as Exhibit D is a copy of *Child Covid-19 Cases Rise in States Where Schools Opened Earliest*, Yoree Koh, Wall Street Journal, Sept. 5, 2021, <https://www.wsj.com/articles/child-covid-19-cases-rise-in-states-where-schools-opened-earliest-11630834201>, last accessed on September 15, 2021.

6. Attached hereto as Exhibit E is a copy of Covid Cases Rise Sharply Among Kids as School Year Starts, Ernie Mundell and Robin Foster, US News and World Reports, <https://www.usnews.com/news/health-news/articles/2021-09-03/covid-cases-rise-sharply-among-kids-as-school-year-starts>, last viewed on September 14, 2021.

7. Attached hereto as Exhibit F is a copy of *Children and COVID-19: State-Level Data Report*, American Academy of Pediatrics, also available at : <https://www.aap.org/en/pages/2019-novel-coronavirus-covid-19-infections/children-and-covid-19-state-level-data-report/>, lasted viewed on September 14, 2021.

8. Attached hereto as Exhibit G is a copy of *CDC – Frequently Asked Questions About the Covid-19 Vaccine*, also available at <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/faq.html> (“you should be vaccinated regardless of whether you already had COVID-19”), last visited on September 15, 2021.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
September 16, 2021

/s/ Lora Minicucci
LORA MINICUCCI
Assistant Corporation Counsel